

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JULIO TOLEDO, JOSH C. HAYGOOD, RAFAEL VEGA,
GREG MCCAIN, MARTIN SANTA, DAVID FRANCO, JUAN
R. ESTRADA, KEVIN BELL, HOWARD LOCKWOOD,
JASON E. LARRIER, TOMMIE O. HART, ANGEL PEREZ,
PEDRO R. MENDEZ, LEONARD MATOS, JR., and
HERMINIO RIVAS, JR.,

Plaintiffs,

V.

C.A. No. 04-30163-MAP

IBPO, LOCAL 364,

Defendant,

V.

SPRINGFIELD POLICE DEPARTMENT,

Defendant.

**PLAINTIFFS' PARTIALLY-ASSENTED-TO MOTION FOR A FURTHER
EXTENSION TO RESPOND TO DEFENDANTS' MOTIONS TO DISMISS**

The plaintiffs move for a further extension of two months (*i.e.*, until February 20, 2006) to respond to the motions to dismiss filed by the defendants. In support thereof, the plaintiffs state:

1. On February 22, 2005, the undersigned attorneys from Wilmer Cutler Pickering Hale and Dorr LLP and the Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association entered their appearance on behalf of the plaintiffs.

2. On April 11, 2005, after analyzing the applicable law and the facts presented by this case, counsel for the plaintiffs asked to meet with counsel for the defendants to discuss the

issues raised in the complaint and, more generally, matters involving the Springfield Police Department. On May 4, 2005, several of the named plaintiffs and plaintiffs' counsel met with counsel for the defendant City of Springfield (the "City") and the defendant IBPO, Local 364 (the "Union"). During that meeting, the parties discussed, among other issues, resolution of the present litigation, minority representation in the Springfield Police Department, and the City's compliance with the *Castro* Consent Decree. The City and the plaintiffs agreed to attempt to work together to address several of the issues discussed.

3. Since the May 4, 2005 meeting, the City received a lengthy consultant report that addressed the situation in the Springfield Police Department. In addition, the Chief of Police of the Springfield Police Department resigned and has only recently been replaced. Further, Peter Murphy, counsel for the City, also resigned. The plaintiffs understand that, for these reasons, the City has been unable to devote the necessary attention to addressing the issues discussed during the May 4, 2005 meeting.

4. On December 22, 2005, the City expressed interest in meeting again with the plaintiffs to continue the discussion of the issues raised during the May 4, 2005 meeting. Therefore, to permit time for the dialogue between the parties to continue, and to allow the parties to have an additional meeting, plaintiffs request that the Court extend for an additional two months the deadline for their response to the motions to dismiss filed by the defendants.

5. It is believed that the requested extension will cause no prejudice or harm to the defendants.

6. The City has assented to this motion. Plaintiffs attempted to contact counsel for the Union to request his assent, but were unable to reach him.

WHEREFORE, the plaintiffs respectfully request that the Court grant their motion for an extension until February 20, 2006 to respond to the motions to dismiss filed by the defendants.

JULIO TOLEDO, JOSH C. HAYGOOD, RAFAEL VEGA, GREG MCCAIN, MARTIN SANTA, DAVID FRANCO, JUAN R. ESTRADA, KEVIN BELL, HOWARD LOCKWOOD, JASON E. LARRIER, TOMMIE O. HART, ANGEL PEREZ, PEDRO R. MENDEZ, LEONARD MATOS, JR., and HERMINIO RIVAS, JR.,

By their attorneys,

/s/ Christopher R. Noyes
Mark D. Selwyn (BBO #565595)
Jennifer L. Carpenter (BBO #647214)
Christopher R. Noyes (BBO #654324)
Jeffrey S. Gleason (BBO #661489)
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6000

Nadine Cohen (BBO #090040)
Lawyers' Committee For Civil Rights
Under Law of the Boston Bar Association
294 Washington Street, Suite 443
Boston, Massachusetts 02108
(617) 482-1145

Tammy Sharif (BBO #659134)
Law Firm of Tammy Sharif
The Walker Building
1242 Main Street, Suite 314
Springfield, Massachusetts 01103
413-439-0200

Dated: December 22, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on the following attorneys of record for each party by first class mail and/or fax:

Kevin B. Coyle, Esq.
Coyle, Dunbar, Geoffrion & Ward
935 Main Street
Springfield, MA 01103

Edward M. Pikula, Esq.
Law Department, City of Springfield
36 Court Street
Springfield, MA 01103

/s/ Christopher R. Noyes
Christopher R. Noyes

Dated: December 22, 2005